

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:07-cr-213-02

v.

HONORABLE PAUL L. MALONEY

REGINALD J. BLAND,

Defendant.

_____ /

MEMORANDUM OPINION AND ORDER

Defendant Reginald J. Bland has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

Defendant's original guideline range was 324 to 405 months. Defendant was sentenced, however, to 144 months imprisonment pursuant to a Rule 11(c)(1)(C) cooperation agreement with the government that capped his possible sentence at 144 months without regard to the guideline range. After the granting of a motion to vacate, set aside, or correct sentence pursuant

to U.S.C. 28 § 2255, a second sentencing hearing was held and defendant's sentence was reduced to 132 months. After application of Amendment 782, the applicable guideline range for this defendant becomes 262 to 327 months.

The defendant is not entitled to the relief he seeks. The Court cannot grant a motion to reduce sentence when the original sentence was not based on the applicable guideline range, but on an express stipulation in the plea agreement pursuant to Rule 11(c)(1)(C). *See Freeman v. United States*, 131 S. Ct. 2685 (2011) Accordingly,

IT IS HEREBY ORDERED that Defendant Reginald J. Bland's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 505) is **DENIED**.

Date: October 16, 2015

/s/ Paul L. Maloney

Paul L. Maloney
United States District Judge